

REMARKS/ARGUMENTS

Applicant would like to thank the Examiner for the careful consideration given the present application. The application has been carefully reviewed in light of the Office action, and amended as necessary to more clearly and particularly describe the subject matter that Applicant regards as the invention.

Reconsideration of the subject patent application in view of the present remarks is respectfully requested.

Claim 1 is amended.

Claim Rejections - 35 USC § 103

Claims 1-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Iguchi et al., Pub. No.: 2002/0169960 A1 (hereinafter "Iguchi") in view of Shiraki et al., Patent No.: 5,892,979 (hereinafter "Shiraki").

Regarding the amended claim 1, neither Iguchi nor Shiraki, alone or in combination, discloses, teaches or renders foreseeable that if there is no space area for downloading or installing data in the first memory, said data processing section moves to the second memory arbitrary data which is accumulated in the first memory and possible to be moved in order to create space area in the first memory sufficient to perform the downloading or installing. Iguchi does not disclose the above fact, as admitted by the Examiner in the Office action. The Office action states that Shiraki teaches in fig. 15, overflow control unit 2030 has its sequencer 2032 perform the determinations (A) through (E) which are described on column 17, lines 30-67.

However, the sequencer 2032 merely determines whether or not saving buffer 1020 has an available space and whether or not FIFO buffer unit 1010 has available space, and writes packet data into either one of FIFO buffer unit 1010 and saving buffer 1020. There is no disclosure in Shiraki that any data which is accumulated in FIFO buffer unit 1010 is moved to saving buffer 1020 in order to create space area in FIFO buffer unit 1010 sufficient to perform the downloading or installing. Accordingly, the combination of Iguchi and Shiraki does not meet all of the limitations of claim 1. Therefore, the asserted combination of Iguchi and Shiraki does not render claim 1 obvious. Thus, withdrawal of the rejection as it applies to claim 1 is respectfully requested.

Claims 2-15 and 17 which are dependent from claim 1 should also be allowable for at least the same reason.


In consideration of the foregoing analysis, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

Appl. No. 10/782,556
Amdt. Dated: January 8, 2009
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- If there are any additional fees resulting from this communication, please charge same to our Deposit Account No. 16-0820, our Order No.: NGB-36462.

Respectfully submitted,

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